

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS PRODUCTS
LIABILITY LITIGATION

No. 2:15-MD-02641-DGC

**FIRST AMENDED SHORT FORM
COMPLAINT FOR DAMAGES FOR
INDIVIDUAL CLAIMS AND
DEMAND FOR JURY TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below,
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Hendra Scott

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
consortium claim:

D'Andre Windfield

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
conservator):

Surviving Spouse

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence
at the time of implant:

Louisiana

1 5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence
2 at the time of injury:

3 Louisiana

4 6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

5 Louisiana

6 7. District Court and Division in which venue would be proper absent direct
7 filing:

8 United States District Court Eastern District of Louisiana

9 8. Defendants (check Defendants against whom Complaint is made):

10 ☒ C. R. Bard Inc.

11 ☒ Bard Peripheral Vascular, Inc.

12 9. Basis of Jurisdiction:

13 ☒ Diversity of Citizenship

14 ☐ Other: _____

15 a. Other allegations of jurisdiction and venue not expressed in Master
16 Complaint:

17 _____
18 _____
19 _____
20 10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making
21 a claim (Check applicable Inferior Vena Cava Filter(s)):

22 ☐ Recovery[®] Vena Cava Filter

23 ☒ G2[®] Vena Cava Filter

24 ☐ G2[®] Express Vena Cava Filter

25 ☐ G2[®] X Vena Cava Filter

26 ☐ Eclipse[®] Vena Cava Filter

27 ☐ Meridian[®] Vena Cava Filter

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- ☐ Denali® Vena Cava Filter
- ☐ Other: _____
11. Date of Implantation as to each product:
August 16, 2009
12. Counts in the Master Complaint brought by Plaintiff(s):
- ☒ Count I: Strict Products Liability – Manufacturing Defect
 - ☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)
 - ☒ Count III: Strict Products Liability – Design Defect
 - ☒ Count IV: Negligence - Design
 - ☒ Count V: Negligence - Manufacture
 - ☒ Count VI: Negligence – Failure to Recall/Retrofit
 - ☒ Count VII: Negligence – Failure to Warn
 - ☒ Count VIII: Negligent Misrepresentation
 - ☒ Count IX: Negligence *Per Se*
 - ☒ Count X: Breach of Express Warranty
 - ☒ Count XI: Breach of Implied Warranty
 - ☒ Count XII: Fraudulent Misrepresentation
 - ☒ Count XIII: Fraudulent Concealment
 - ☒ Count XIV: Violations of Applicable Louisiana (insert state) Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices
 - ☒ Count XV: Loss of Consortium
 - ☒ Count XVI: Wrongful Death
 - ☒ Count XVII: Survival
 - ☒ Punitive Damages

☒ Other(s): _____ (please state the facts supporting this Count in the space immediately below)

Any and all causes of action pursuant to Louisiana Civil Code
Article 2315.1 regarding survival action and Louisiana Civil Code
Article 2315.2 regarding Plaintiff-Decedent's wrongful death
cause of action.

13. Jury Trial demanded for all issues so triable?

☒ Yes

☐ No

RESPECTFULLY SUBMITTED this 10th day of October, 2019.

DEGARIS, WRIGHT & MCCALL, LLC

By: /s/ Annesley H. DeGaris

Annesley H. DeGaris
DeGaris Wright & McCall, LLC
Two North Twentieth Street, Suite 1030
Birmingham, AL 35203
Attorney for Plaintiff

I hereby certify that on this 10th day of October, 2019, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Annesley H. DeGaris